

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT CLEVELAND

UNITED STATES OF AMERICA, Case No. 1:16-cr-360

Plaintiff,

vs.

MONDAY, JULY 23, 2018

MARQUEL BROWN,

Defendant.

TRANSCRIPT OF SENTENCING HEARING  
HELD BEFORE THE HONORABLE CHRISTOPHER A. BOYKO  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: Vasile C. Katsaros,  
Assistant United States Attorney

For the Defendant: Donald Butler, Esq.

Official Court Reporter: Lance A. Boardman, RDR, CRR  
United States District Court  
801 West Superior Avenue  
Court Reporters 7-189  
Cleveland, Ohio 44113  
216.357.7019

Proceedings recorded by mechanical stenography; transcript  
produced by computer-aided transcription.

10:11:36 1 (In Open Court.)

10:11:54 2 THE COURTROOM DEPUTY: Your Honor, the case  
10:11:55 3 before the Court this morning is United States of America  
10:11:57 4 vs. Marquel Brown, Case Number 16-cr-360.

10:12:03 5 THE COURT: Mr. Brown, you are present?

10:12:05 6 THE DEFENDANT: Yes, sir.

10:12:05 7 THE COURT: I just want to make sure you're  
10:12:07 8 present.

10:12:07 9 THE DEFENDANT: Yes, sir.

10:12:07 10 THE COURT: Mr. Don Butler is here  
10:12:09 11 representing you, Mr. Vasile Katsaros on behalf of the  
10:12:12 12 Government.

10:12:13 13 MR. KATSAROS: Good morning, Your Honor.

10:12:13 14 THE COURT: Good morning.

10:12:14 15 Mr. Brian Laffin here from Probation.

10:12:16 16 We're here today for a sentencing.

10:12:17 17 Mr. Butler, would you please go to the podium with  
10:12:21 18 Mr. Brown.

10:12:34 19 Mr. Butler, as always, I'll start with you.

10:12:35 20 Have you received a copy of the presentence  
10:12:37 21 investigation report and had sufficient time to sit down  
10:12:39 22 with Mr. Brown and go over it in detail?

10:12:40 23 MR. BUTLER: Yes, Your Honor.

10:12:41 24 THE COURT: Mr. Brown, I want to make sure  
10:12:42 25 that you had sufficient time to sit down with Mr. Butler, go

10:12:45 1 over this report in detail, and have him answer all of your  
10:12:48 2 questions to your satisfaction.

10:12:50 3 Has that been done?

10:12:51 4 THE DEFENDANT: Yes, Your Honor.

10:12:52 5 THE COURT: Okay. Mr. Butler, any objections  
10:12:55 6 to the report itself?

10:12:55 7 MR. BUTLER: No, Your Honor.

10:12:56 8 THE COURT: Okay. On behalf of Mr. Brown,  
10:12:58 9 please go ahead.

10:12:58 10 MR. BUTLER: Judge, I'd only indicate to the  
10:13:01 11 Court that obviously we have an agreement that we have  
10:13:05 12 entered into with the Government. We would just ask that  
10:13:08 13 you accept that agreement and impose the agreed sentence  
10:13:14 14 that the parties have reached.

10:13:16 15 I would also indicate to the Court that my client, who  
10:13:20 16 has been incarcerated for a substantial period of time  
10:13:23 17 already, recognizes and accepts his responsibility in this  
10:13:29 18 matter. And from talking to him, I'm pretty sure he's  
10:13:35 19 prepared to serve his sentence and return to his fiancée and  
10:13:40 20 his newborn child and try to make his life more productive  
10:13:45 21 and on the right side of the law, as opposed to where he  
10:13:49 22 stands before this Court at this time.

10:13:51 23 Judge, when you look at his background, obviously he  
10:13:59 24 has, like in a lot of defendants' position, had a hard time  
10:14:03 25 growing up. Obviously that's not an excuse. But I think he

10:14:08 1 has met someone -- I have met her, and I believe she's a  
10:14:11 2 nurse -- that has really I believe helped him turn his life  
10:14:17 3 around. And I think that's one of the reasons he entered  
10:14:23 4 into this agreement, because he is trying to return to his  
10:14:29 5 family that has now moved to the Columbus area and just do  
10:14:35 6 the right thing.

10:14:35 7 We would ask the Court to take all that into  
10:14:38 8 consideration.

10:14:38 9 THE COURT: Thank you, Mr. Butler.

10:14:39 10 Mr. Brown, anything you wish to say?

10:14:41 11 THE DEFENDANT: No, sir.

10:14:42 12 THE COURT: Okay. Mr. Katsaros on behalf of  
10:14:46 13 the Government?

10:14:46 14 MR. KATSAROS: Good morning, Your Honor.

10:14:47 15 THE COURT: Good morning.

10:14:47 16 MR. KATSAROS: Respectfully, Your Honor,  
10:14:50 17 the -- we're going to request that you follow the  
10:14:54 18 seven-month sentence that the parties are proposing.

10:14:56 19 THE COURT: Seven-year?

10:14:57 20 MR. KATSAROS: Seven-year, excuse me.

10:14:58 21 THE COURT: Okay. He wished.

10:15:00 22 MR. KATSAROS: Seven-year sentence.

10:15:02 23 Just to give the Court sort of a background into where  
10:15:06 24 that came from, Your Honor, a lot of it has to do with the  
10:15:09 25 two convictions that make the defendant a career offender

10:15:13 1 occurred when he was 19 years old and occurred within  
10:15:15 2 approximately six months of each other. That's one of the  
10:15:17 3 reasons obviously, based upon his age at the time and the  
10:15:22 4 nature of those offenses, that we felt like this potentially  
10:15:25 5 was a reasonable or -- proposition to put before the Court.

10:15:29 6 The other issue, Your Honor, is that there's a pending  
10:15:34 7 argument in the Sixth Circuit regarding whether or not  
10:15:38 8 potentially one of the defendant's convictions would still  
10:15:42 9 be upheld. It's an en banc case, United States vs. Brian  
10:15:46 10 Williams. That was argued in June. There won't be a  
10:15:50 11 decision until the fall.

10:15:51 12 We felt like a waiver in reference to that in this  
10:15:54 13 case, he's looking at 12 months without the career offender  
10:15:59 14 designation. His range is 151 to 188 with the career  
10:16:04 15 offender designation. We felt like a meeting in the middle  
10:16:07 16 of those two potential outcomes, at least in terms of the  
10:16:12 17 guidelines, at 84 months was a fair resolution. And  
10:16:15 18 respectfully, we'd ask that you impose that 84 months, Your  
10:16:18 19 Honor.

10:16:18 20 THE COURT: Okay, Mr. Katsaros, thank you.

10:16:21 21 Let's take a look at the report.

10:16:22 22 Count 1 is distribution of controlled substances.

10:16:25 23 Count 4, distribution of controlled substances. They are  
10:16:28 24 both Class C felonies.

10:16:32 25 There is a Rule 11(c) (1) (C) binding plea agreement

10:16:36 1 which we've heard of.

10:16:40 2 And pretrial adjustment. He's been detained since his  
10:16:43 3 arrest.

10:16:43 4 As far as the offense conduct, we have some detail in  
10:16:48 5 the report itself, but basically it comes down to this. You  
10:16:50 6 pled guilty to two counts of distribution of a controlled  
10:16:54 7 substance on two separate dates in 2016. You sold  
10:16:57 8 controlled substances containing Methylfentanyl and cocaine  
10:17:00 9 to a confidential source. That's a summary of what we have.  
10:17:03 10 Again, a little more detail in the report itself, but that  
10:17:05 11 will suffice.

10:17:05 12 Victim impact. These are Title 21 offenses. No  
10:17:09 13 identifiable victims, but we do know that everyone pays when  
10:17:13 14 drugs are distributed.

10:17:14 15 There's no information indicating defendant either  
10:17:17 16 impeded or obstructed justice.

10:17:19 17 As far as acceptance of responsibility, I do have a  
10:17:21 18 written statement from Mr. Brown dated 7/20/18 accepting  
10:17:26 19 full responsibility, saying it was never his intention to  
10:17:28 20 harm anyone.

10:17:29 21 All right. Offense level computation. 2016 edition  
10:17:35 22 of the guidelines manual was used. Counts 1 and 4 are  
10:17:38 23 grouped for guideline calculation purposes. For count group  
10:17:43 24 1, a base offense level 10 when you do the conversion for  
10:17:47 25 the marijuana. No specific offense characteristic. No

10:17:50 1 victim-related adjustment. No adjustment for role. No  
10:17:53 2 adjustment for obstruction. Subtotal is 10.

10:17:56 3 The Chapter 4 enhancement, defendant was at least 18  
10:18:00 4 years old at the time of the present offense of conviction.  
10:18:03 5 Present offense is a felony which is a controlled substance,  
10:18:06 6 and he has at least two prior felony convictions for a crime  
10:18:10 7 of violence as set forth in paragraphs 44 and 45, both  
10:18:13 8 felonious assault. He's therefore a career offender, and  
10:18:18 9 his offense level must be 32.

10:18:23 10 Acceptance of responsibility. The Court will deduct  
10:18:26 11 three levels. He ends up with a total offense level of 29.

10:18:29 12 Defendant's criminal history. No juvenile  
10:18:31 13 adjudications.

10:18:33 14 Adult criminal convictions: 9/10/07, driving under  
10:18:36 15 suspension, unlighted lights, no points; 11/18/08, driving  
10:18:43 16 under suspension, license restriction, DUI, underage  
10:18:47 17 consumption, one point; 7/17/08, offenses involving underage  
10:18:53 18 consumption, no points; 9/19/08, disorderly conduct/intox,  
10:18:57 19 no points; 9/3/09, felonious assault, Count 1, felonious  
10:19:02 20 assault, Count 2, Count 3, offenses involving underage  
10:19:07 21 persons. That's two points.

10:19:08 22 Again, he was 19, as alluded to by Mr. Katsaros.  
10:19:11 23 They're both, Counts 1 and 2, predicate offenses for the  
10:19:15 24 career offender provision.

10:19:16 25 9/3/09, felonious assault, Count 1. Count 2, having

10:19:22 1 weapons while under disability. Add two points. Okay.

10:19:29 2 Count 1 is a predicate offense for a career offender

10:19:33 3 provision.

10:19:33 4 12/6/10, obstructing official business, one point;

10:19:38 5 12/6/10, failure to reinstate, one point; 9/14/11, no

10:19:43 6 driver's license, zero points; 4/19/12, no driver's license,

10:19:47 7 no points; 4/5/12, disorderly conduct, no points. And

10:19:52 8 8/23/12, no driver's license, one point; 1/2/14, failure to

10:19:57 9 reinstate license, no points; 8/20/15, driving under an FRA

10:20:02 10 suspension, no points; 9/6/2016, disorderly conduct, no

10:20:07 11 points; and 9/6/2016, operation of motor vehicle without a

10:20:13 12 valid license, no points.

10:20:15 13 Criminal history computation. His subtotal is 8.

10:20:19 14 That is his score. He's in a category 4. The defendant is

10:20:23 15 a career offender, therefore under law his criminal history

10:20:25 16 category must be a VI.

10:20:27 17 Other criminal conduct. Dismissed corrupting another

10:20:31 18 with drugs. We have trafficking dismissed.

10:20:33 19 No pending charges. We have a few other arrests that

10:20:36 20 were dismissed. Seem to be pretty consistent with what

10:20:39 21 we've seen.

10:20:40 22 Offender characteristics. Mr. Brown was born in 1989

10:20:44 23 in Elyria, one of seven children. Father's a retired

10:20:49 24 factory worker. Father does have a criminal record.

10:20:52 25 Mother's deceased. He was raised by his parents in Elyria.



10:20:57 1 Good upbringing. Drugs and crime were a part of his  
10:21:00 2 environment. No mental, physical, or sexual abuse. He was  
10:21:04 3 raised by his two brothers. No violence in the home. But  
10:21:08 4 his father did use illegal drugs, crack and marijuana. He  
10:21:12 5 does not share a close relationship with his family because  
10:21:15 6 everyone has split up. And the family members are listed in  
10:21:19 7 paragraph 68.

10:21:20 8 He says that all of his brothers and one of his  
10:21:23 9 sisters have prior criminal records for drug convictions.

10:21:26 10 Mr. Brown's never been married. Does have two  
10:21:29 11 children. Looks like child support is in order and he's in  
10:21:37 12 arrears. He has two children, ages 6 and 1. Both children  
10:21:45 13 in good physical health. Did spend time with him prior to  
10:21:48 14 being incarcerated. Living with his girlfriend. Never been  
10:21:54 15 associated with or involved in a gang.

10:21:57 16 Physical condition. Appears to be good.

10:21:59 17 Mental/emotional health. He's had anxiety for a  
10:22:03 18 significant portion of his life. He was prescribed  
10:22:08 19 antianxiety medication.

10:22:09 20 Substance abuse. Looks like marijuana, Percocet,  
10:22:13 21 Xanax. No form of substance abuse treatment during the past  
10:22:19 22 10 years. Once he completed supervision, he did start using  
10:22:23 23 again. He states he comes from a family of addicts and  
10:22:27 24 drugs are prevalent in the neighborhood. He would like to  
10:22:30 25 participate in treatment while incarcerated.

10:22:34 1 He obviously hasn't been drug tested since being  
10:22:38 2 incarcerated.

10:22:38 3 Educational/vocational/special skills. Attended  
10:22:42 4 Elyria High till the end of 9th grade. Removed during 10th  
10:22:46 5 grade over behavioral issues that were not school-related.

10:22:50 6 Employment. Never been gainfully employed. Worked  
10:22:53 7 under the table for his brother's cleaning business but  
10:22:56 8 never held a full- or part-time job.

10:22:58 9 Financial condition. No income or assets of any kind.  
10:23:03 10 Would lead us to conclude he does not have the ability to  
10:23:05 11 pay a fine in this case.

10:23:07 12 Sentencing options. Under the statute for Count 1,  
10:23:10 13 the maximum is 20 years. Same thing for Count 4. Under the  
10:23:14 14 guidelines, based upon a total offense level of 29 and a  
10:23:21 15 category VI, his range is 151 to 188 months.

10:23:24 16 Impact of plea agreement. There's a binding plea  
10:23:27 17 agreement. If the Court adopts the terms, the term of  
10:23:30 18 imprisonment will be 84 months. If not, of course, I'll  
10:23:34 19 allow him to withdraw his guilty plea.

10:23:36 20 Supervised release. Under the statute, Count 1, it's  
10:23:41 21 at least three years. Same thing for Count 4. They run  
10:23:44 22 concurrently. Under the guidelines Counts 1 and 4, three  
10:23:49 23 years' probation. Count 1, ineligible because it's a Class  
10:23:55 24 C -- excuse me, he is eligible. One to five years because  
10:23:59 25 it's a Class C felony, with conditions. Same thing with

10:24:04 1 Count 4.

10:24:05 2 Under the guidelines, because he falls in zone D, as  
10:24:11 3 in David, of the sentencing table, ineligible for probation.

10:24:15 4 The mandatory conditions of probation and supervised  
10:24:18 5 release are set forth on page 20, which defendant is  
10:24:22 6 apprised of via this report. Mandatory drug testing will  
10:24:26 7 apply unless the Court finds, based upon reliable sentencing  
10:24:30 8 information, that Mr. Brown would indicate a low risk of  
10:24:34 9 future substance abuse.

10:24:35 10 Fines. Under the statute for both Counts 1 and 4, the  
10:24:39 11 max is \$1 million.

10:24:41 12 Special assessment of \$100 per count is mandatory.

10:24:45 13 Under the guidelines, his fine range is 30,000 to 1  
10:24:49 14 million.

10:24:49 15 Paragraph 97 gives us the factors the Court must  
10:24:53 16 consider in determining the amount of any fine or costs to  
10:24:57 17 impose. I'll find those to be irrelevant based upon his  
10:25:00 18 inability to pay.

10:25:01 19 Restitution's not an issue in this case, and Federal  
10:25:06 20 benefits may be denied under both the statute and guidelines  
10:25:09 21 for drug-related offenses.

10:25:12 22 Page 22 starts out the standard conditions of  
10:25:15 23 probation and supervised release. That goes to page 23.  
10:25:20 24 Special conditions of supervision start on page 23, go to  
10:25:25 25 24, and defendant is apprised of all of these again via this

10:25:28 1 report.

10:25:29 2 Factors that may warrant departure. Mr. Clements was  
10:25:34 3 the author of this report, and he has not identified any  
10:25:37 4 factors as possible grounds for a departure outside of the  
10:25:40 5 range.

10:25:40 6 Factors that may warrant a sentence outside the  
10:25:43 7 system, i.e., a variance. We start with the Court's job,  
10:25:46 8 which is to impose a sentence sufficient but not greater  
10:25:48 9 than necessary to comply with the 3553(a) factors. In  
10:25:53 10 making this determination, we look at the nature and  
10:25:57 11 circumstances of the offense, history and characteristics of  
10:25:58 12 the defendant, the need for the sentence imposed, and kinds  
10:26:02 13 of sentences available.

10:26:02 14 Again, Mr. Clements has not identified any factors as  
10:26:05 15 possible grounds for a variance outside of the range.

10:26:09 16 There appear to be no unresolved objections by either  
10:26:11 17 the Government or the defense, so we can move on to the  
10:26:14 18 3553(a) factors.

10:26:16 19 The Court has already gone over the nature and  
10:26:18 20 circumstances of the offense when I briefly addressed the  
10:26:21 21 offense conduct. No need to repeat for that.

10:26:23 22 History and characteristics of the defendant. We've  
10:26:26 23 covered all of this. We take a look at any prior record,  
10:26:29 24 any violence, physical abuse, diminished capacity,  
10:26:32 25 employment, age, substance abuse, and family ties. I think

10:26:36 1 the only thing we didn't discuss is diminished capacity, and  
10:26:40 2 there's certainly no evidence of that.

10:26:41 3 Need for sentence imposed. I'll come back to that  
10:26:45 4 when I actually sentence him.

10:26:47 5 Sentencing disparities. We look at defendants with  
10:26:49 6 similar records and conduct, look at the U.S. sentencing  
10:26:52 7 commission data. The average sentence nationally for a  
10:26:57 8 defendant with a Criminal History Category VI who is  
10:27:00 9 convicted of a drug trafficking offense and is a career  
10:27:02 10 offender is 139 months. Again, that would be the national  
10:27:06 11 average for someone in a similar position as Mr. Brown.

10:27:10 12 Restitution does not apply.

10:27:13 13 We'll come back to the final category, which is need  
10:27:15 14 for sentence imposed. And we look at just punishment,  
10:27:18 15 afford adequate deterrence, protect the public, reflect the  
10:27:21 16 seriousness of the offense, and improve offender conduct and  
10:27:25 17 condition.

10:27:25 18 Mr. Brown, I always start with that last one, which is  
10:27:28 19 improve offender conduct and condition. I think it's  
10:27:31 20 important that you work on yourself. You seem to be headed  
10:27:35 21 in the right direction, at least mentally and with your  
10:27:38 22 attitude that you're going to be a productive citizen when  
10:27:41 23 all this is said and done and hopefully have a stable  
10:27:44 24 relationship when you come out and have some vision of what  
10:27:47 25 you want to do and what you want to become. So that's --

10:27:50 1 it's important to focus on that because if you do, it's a  
10:27:53 2 win-win. You improve yourself, you stay out of the system,  
10:27:56 3 and society's protected from any crimes. So that's why it's  
10:27:59 4 important. And I always start with that.

10:28:01 5 We look at the other factors: Just punishment,  
10:28:04 6 deterrence, protect the public, reflect the seriousness of  
10:28:07 7 the offense.

10:28:08 8 It's always serious when drugs are distributed. We  
10:28:10 9 all know that. You have to protect the public from these  
10:28:13 10 type of crimes because it just eats away at our society. We  
10:28:18 11 have to deter others from doing the same.

10:28:20 12 And what's just punishment? I would agree with the  
10:28:22 13 approach taken by the Government. Mr. Katsaros outlined  
10:28:26 14 that. Considering the fact that you had those felonious  
10:28:27 15 assaults when you were younger, you know, age 19, your  
10:28:32 16 capacity for thinking isn't fully developed at that point.  
10:28:35 17 So you're a little more reckless and wild at that age.

10:28:39 18 And also the fact that this -- the law is always in  
10:28:42 19 flux when it comes to what are predicate offenses and crimes  
10:28:46 20 of violence and controlled substances. It's always been in  
10:28:49 21 flux and still is. And so all that was I think reasonably  
10:28:53 22 taken into consideration, striking this deal with you for  
10:28:56 23 the 84 months, so I do find that to be reasonable. And I  
10:28:59 24 will find that recommended sentence to be reasonable.

10:29:02 25 So let's go ahead and sentence you.

10:29:05 1 All right. Mr. Brown, it's the judgment of this Court  
10:29:08 2 that you are committed to the custody of the Bureau of  
10:29:10 3 Prisons for a term of 84 months on each count, to be served  
10:29:14 4 concurrently.

10:29:15 5 Upon release from imprisonment you'll be placed on  
10:29:17 6 supervised release for a term of three years. That's three  
10:29:20 7 years on Count 1, three years on Count 4, to run  
10:29:24 8 concurrently.

10:29:24 9 Within 72 hours of release from the custody of the  
10:29:26 10 Bureau, you'll report in person to the U.S. Probation Office  
10:29:29 11 in the sentencing district or in the district to which you  
10:29:32 12 are released.

10:29:33 13 I'll waive the fine based upon an inability to pay.

10:29:36 14 \$100 special assessment per count, \$200 due  
10:29:41 15 immediately to the United States. I have no authority to  
10:29:43 16 waive that.

10:29:44 17 Restitution is not an issue.

10:29:46 18 While on supervision you'll comply with the mandatory  
10:29:48 19 and standard conditions adopted by this Court set forth in  
10:29:52 20 part D of the report and with the following additional  
10:29:55 21 conditions:

10:29:57 22 You must refrain from any unlawful use of a controlled  
10:30:00 23 substance, submit to one drug test within 15 days of release  
10:30:04 24 from imprisonment and to at least two periodic drug tests  
10:30:06 25 thereafter as determined by the Court.

10:30:10 1 You'll participate in an approved program of substance  
10:30:13 2 abuse testing and/or outpatient or inpatient substance abuse  
10:30:16 3 treatment as directed by Probation and abide by the rules of  
10:30:20 4 the program. The probation officer will supervise your  
10:30:22 5 participation in the program, and you'll not obstruct or  
10:30:26 6 attempt to obstruct or tamper in any fashion with the  
10:30:29 7 efficiency and accuracy of any prohibited testing.

10:30:33 8 I will also recommend the institutional 500-hour RDAP  
10:30:37 9 program. It's the best in the country. Hopefully you'll  
10:30:40 10 successfully complete that if you are qualified to do so.  
10:30:44 11 If not, the most intensive for which you do qualify.

10:30:48 12 You must undergo a mental health evaluation and  
10:30:51 13 participate in mental health treatment and follow the rules  
10:30:53 14 of the program. The probation officer in consultation with  
10:30:57 15 the provider will supervise your participation in the  
10:31:00 16 program. And again, institutional also.

10:31:02 17 And you must submit your person, property, house,  
10:31:05 18 residence, vehicle, papers, computers, and other electronic  
10:31:10 19 communications or data storage devices or media or office to  
10:31:14 20 a search conducted by the U.S. Probation officer. Failure  
10:31:17 21 to submit to a search may be grounds for revocation of  
10:31:20 22 release, which means you could go back to prison. You must  
10:31:23 23 warn any other occupants that the premises may be subject to  
10:31:29 24 searches under this condition. And the probation officer  
10:31:31 25 may conduct a search under this condition only when



10:31:34 1 reasonable suspicion exists that you have violated a  
10:31:36 2 condition of supervision and that the areas to be searched  
10:31:40 3 contain evidence of this violation. Any search must be  
10:31:43 4 conducted at a reasonable time and in a reasonable manner.

10:31:48 5 And you must enter an adult program and obtain your  
10:31:52 6 certificate of General Educational Development. That is  
10:31:54 7 your GED.

10:31:55 8 All right. I believe that's all I have. Mr. Butler,  
10:32:01 9 I assume there's no objection to the sentence.

10:32:03 10 MR. BUTLER: No, Your Honor.

10:32:04 11 THE COURT: And again, he waives the reading  
10:32:06 12 of his appellate rights?

10:32:07 13 MR. BUTLER: Correct, Your Honor.

10:32:07 14 THE COURT: Okay. Any additions, comments, or  
10:32:09 15 objections that we have not covered, Mr. Butler?

10:32:12 16 MR. BUTLER: No, Your Honor.

10:32:13 17 THE COURT: Okay.

10:32:14 18 MR. BUTLER: We'd just ask the Court, one, for  
10:32:17 19 a recommendation for Elkton.

10:32:19 20 And I believe you indicated that he should -- if I  
10:32:24 21 understood it correctly, the drug treatment program that's  
10:32:28 22 initiated or carried out in the institution?

10:32:30 23 THE COURT: Correct.

10:32:31 24 MR. BUTLER: We would ask for that as well.

10:32:32 25 THE COURT: Right. And that will be ordered.

10:32:34 1 MR. BUTLER: Thank you.

10:32:34 2 THE COURT: Okay. Mr. Katsaros, anything on  
10:32:37 3 behalf of the Government?

10:32:38 4 MR. KATSAROS: I respectfully ask the Court to  
10:32:40 5 dismiss Counts 2, 3, and 5, Your Honor.

10:32:42 6 THE COURT: And that is granted.

10:32:44 7 Mr. Laffin, anything else?

10:32:47 8 PROBATION OFFICER LAFFIN: No, Your Honor.

10:32:48 9 THE COURT: Mr. Brown, the Bureau of Prisons  
10:32:50 10 will profile you and determine whether your profile fits  
10:32:53 11 Elkton. If it does, they can send you there. If not,  
10:32:56 12 anywhere in the country. It's their ball game.

10:32:58 13 You understand?

10:32:59 14 THE DEFENDANT: Yes.

10:32:59 15 THE COURT: Okay. Thanks everyone. We are  
10:33:01 16 adjourned.

10:33:02 17 MR. BUTLER: Thank you, Judge.

10:33:02 18 (Proceedings adjourned at 10:33 a.m.)

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21 **C E R T I F I C A T E**

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23 I certify that the foregoing is a correct transcript  
24 of the record of proceedings in the above-entitled matter  
25 prepared from my stenotype notes.

/s/ Lance A. Boardman

Lance A. Boardman, RDR, CRR

04/17/2019

DATE